

REMARKS

Claims 70-97 are pending in this application.

Claims 70 and 94 have been amended and claim 98 has been added by the present Amendment. Amended claims 70 and 94 and new claim 98 do not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 102 and § 103

Reconsideration is respectfully requested of the rejection of claims 70-72 and 74-80 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,392,735 ("Tani").

Reconsideration is also respectfully requested of the rejection of claims 73 and 82-97 under 35 U.S.C. § 103(a) as being unpatentable over Tani as applied to claims 70-72, and 74-80.

Applicants respectfully submit that Tani does not disclose or suggest (1) the common voltage applying member disposed between a first peripheral area of the first substrate and a second peripheral area of the second substrate, wherein the first and second peripheral areas are outside display areas of the first and second substrates, as recited in claim 70; and (2) the common voltage applying member disposed outside display areas of the first and second substrates, as recited in claim 94.

For example, Applicants' specification states that the common voltage applying member 300 is disposed between the first peripheral area PA1 of the first substrate 100 and the second peripheral area of the second substrate 200. See, e.g., page 7, lines 10-12; Figs. 1-2.

In the January 30, 2007 Office Action, the Examiner has interpreted the claimed first and second peripheral areas as an arbitrary area since no particular definition of

the peripheral area was given in the claims. Accordingly, Applicants have amended claims 70 and 94 to clarify that the common-voltage applying member is located outside the display areas of the first and second substrates.

In contrast to the claimed embodiments, the columnar spacer CS cited by the Examiner and shown in Fig. 7 of Tani is disposed between display areas. Accordingly, Tani does not disclose or suggest the claimed common voltage applying member disposed outside display areas of a first substrate and a second substrate, as recited in claims 70 and 94.

Therefore, Applicants respectfully submit that claim 70 is not anticipated by and patentable over Tani, and claim 94 is patentable over Tani. In addition, for at least the reason that claims 71-80 and 82-93 depend from claim 70, and claims 95-97 depend from claim 94, claims 71-80, 82-93 and 95-97 are also not anticipated by and patentable over the cited reference.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims claims 70-72 and 74-80 under 35 U.S.C. § 102(b) and the rejection of claims 73 and 82-97 under 35 U.S.C. § 103(a).

Additional Note Regarding Claims 91-92 and 96-97

The Examiner maintains that (1) a black matrix formed over a common electrode; and (2) a concavo-convex portion of the conductor that is in contact with a corresponding concavo-convex portion of the common electrode, are obvious. The Examiner argues that Tani discloses the liquid crystal display device comprising a common electrode and the conductor being the same element, and that making things separable would have been obvious to one of ordinary skill in the art. See Jan. 30,

2007 Office Action at 6 (citing *In re Dulberg*, 289 F.2d 522, 523, 129 U.S.P.Q. 348, 349 (C.C.P.A. 1961)).

However, M.P.E.P. § 2144.04 states that “[i]f the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness rejection.”

Applicants submit that the black matrix being formed over or on the common electrode, as recited in claims 91 and 96, is critical to prevent deterioration of display quality of an image due to an electric field caused by bad step coverage of the common electrode formed on the black matrix. See Applicants’ disclosure, page 26, lines 13-19.

In addition, the concavo-convex portions of the conductor and the common electrode, as recited in claims 92 and 97, are critical to enable the conductor to make contact with the common electrode when a total thickness of the conductor and the insulator is different from a distance between the first and second substrates. See Applicants’ disclosure, page 27, lines 18-22.

Accordingly, Applicants respectfully submit that the criticality of the claimed limitations precludes a finding of obviousness of same.

Therefore, for at least the above reasons, Applicants respectfully request that the Examiner withdraw the obviousness rejections of at least claims 91-92 and 96-97.

NEW CLAIM 98

New claim 98 is claim 96 rewritten in independent form. New claim 98 is submitted to be patentable over the cited reference for at least the reasons given above for the patentability of claim 96.

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the Examiner's indication that claim 81 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims, and reserve the right to rewrite claim 81 in independent form in a subsequent response or communication.

DEPENDENT CLAIMS

Applicants have not independently addressed the rejections of all the dependent claims because Applicants submit that for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, supra, the dependent claims are also allowable. Applicants, however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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